

WACHOVIA

NOTICE OF INTENT TO FORECLOSE

November 24, 2009

Loan Number: 0040042632

by Dec. 24-09
Virginia L Lafleur
205 Madrone Ave
Larkspur, CA 94939 1912

Re: Property Address: 205 Madrone Ave,
Larkspur CA 94939

Dear Virginia L Lafleur :

Our records indicate we have not received the last 8 mortgage payment(s). This loan is in default and due for the April 15, 2009 payment, and all subsequent payments that have come due and late charges. The total amount due is \$ 17,697.16, which includes \$ 391.24 in late charges. Charges may also be assessed for any additional amounts we may incur including, but not limited to, attorney fees, property tax and insurance payments, property inspections and other assessments.

Payment must be received in the form of a cashier's check, money order or certified check within thirty days of the date of this notice. Any funds received, that are less than the total amount due, will be considered a partial payment and will be applied towards the arrearages due on the delinquent loan. Application of a partial payment is not an acceptance in full satisfaction of the delinquent amount due and is not sufficient to cure the default. Please mail payment(s) to: Wachovia Mortgage, Cashiering Dept T7416-023, PO Box 659568, San Antonio, TX 78265-9568.

Failure to cure this default, on or before December 24, 2009, may result in the acceleration of the sums secured by the Note and Security Instrument, making the entire loan immediately due and payable. The lender may seek foreclosure, which may result in the forced sale of the property. You have the right to reinstate after the acceleration and the right to bring a court action to assert the non-existence of a default or any other defense available to the acceleration and forced sale.

You may have contacted Wachovia Mortgage and made a promise to pay by a certain date, in order to bring the loan to a current status. If the promise to pay is fulfilled, please disregard this notification. Failure to make the full promised payment in good funds, by 6:00 p.m., Eastern Time, on or before the promised date, or any other violation of any other terms of the Note and Security Instrument, will keep this notice in full force and effect.

You may be eligible for Home Ownership Counseling through the Housing and Community Development Act of 1987. Please call the Community Development Agency at 800-569-4287. Section 6050J of the 1984 Tax Reform Act requires lenders to report foreclosures and abandonments to the Internal Revenue Service.

GMAC Mortgage

3451 Hammond Ave
P.O. Box 780
Waterloo, IA 50704-0780

12/02/09

101588-009739

MARY C RICHARDS

881 HAWTHORNE DR

WALNUT CREEK

CA 94596-0000

|||||

RE: Account Number 0359422149
Property Address 881 HAWTHORNE DR

WALNUT CREEK CA 94596-0000

Dear MARY C RICHARDS

Our records indicate the above-referenced mortgage loan is in default.

Your account is due for 10/01/09, and succeeding payments. This is a demand for payment of the total amount due and owing as of the date of this letter, which is as follows:

Payments	\$	8653.05
Late Charges	\$	458.01
Fees, Costs, and other amounts accrued		
to date	\$	97.50
Suspense	\$	115.98
Total Amount Due	\$	9092.58

You may cure the default by paying the total amount due, indicated above, within thirty (30) days from the date of this letter. You are also responsible for paying any additional payments, fees, and charges that become due during this 30-day period. Payments must be made in certified funds or cashier's check. If funds tendered are not honored for any reason, the default will not be cured. Our acceptance of any funds less than the total amount due shall not constitute a waiver of our rights and/or remedies under the loan documents or applicable law.

(continued on back)

GMAC Mortgage

3451 Hammond Ave
P.O. Box 780
Waterloo, IA 50704-0780

11/02/09

089960-004783

MARY C RICHARDS

881 HAWTHORNE DR

WALNUT CREEK CA 94596-0000

|||||

RE: Account Number 0359422149
Property Address 881 HAWTHORNE DR

WALNUT CREEK CA 94596-0000

Dear MARY C RICHARDS

Our records indicate the above-referenced mortgage loan is in default.

Your account is due for 09/01/09, and succeeding payments. This is a demand for payment of the total amount due and owing as of the date of this letter, which is as follows:

Payments	\$	8653.05
Late Charges	\$	469.26
Fees, Costs, and other amounts accrued		
to date	\$	56.25
Suspense	\$	0.00
Total Amount Due	\$	9178.56

You may cure the default by paying the total amount due, indicated above, within thirty (30) days from the date of this letter. You are also responsible for paying any additional payments, fees, and charges that become due during this 30-day period. Payments must be made in certified funds or cashier's check. If funds tendered are not honored for any reason, the default will not be cured. Our acceptance of any funds less than the total amount due shall not constitute a waiver of our rights and/or remedies under the loan documents or applicable law.

(continued on back)

GMAC Mortgage

3451 Hammond Ave
P.O. Box 780
Waterloo, IA 50704-0780

12/30/09

MARY C RICHARDS

881 HAWTHORNE DR

WALNUT CREEK CA 94596-0000

RE: Account Number 0359422149
Property Address 881 HAWTHORNE DR
WALNUT CREEK CA 94596-0000

Dear MARY C RICHARDS

In response to your inquiry, enclosed is the information you requested regarding your account.

If you have any questions, please contact Customer Care at 866-725-0782.

Customer Care
Loan Servicing

Enclosure(s)

2:01

NOTICE TO VACATE PROPERTY

TO: ANTHONY MAZUROWSKI &
All occupants residing at
117 MONTGOMERY RD
SEBASTOPOL, CA 95472

NOTICE IS HEREBY GIVEN THAT IMB REO LLC ("IMB REO LLC"), or its predecessor in interest, purchased the property located at 117 MONTGOMERY RD, SEBASTOPOL, CA 95472 (the "Premises") at a foreclosure sale held in accordance with Civil Code § 2924 and pursuant to the power of sale contained in a Deed of Trust recorded on 7/03/2007 as Instrument Number 2007075120 in the Official Records of SONOMA County, and that title to the Premises is duly perfected in IMB REO LLC.

NOTICE IS FURTHER GIVEN THAT:

1. Within **three (3) days** after service on you of this Notice, if you are the Trustor(s) of the Deed of Trust described above, or a successor in interest to said Trustor(s), or any person who is not a bona fide tenant or subtenant; or,
2. Within **ninety (90) days** after service on you of this Notice, in the event you are a bona fide tenant or a subtenant of the Trustor(s) of the Deed of Trust described above, or a bona fide tenant or a subtenant of a successor in interest to said Trustor(s):

You are required to vacate and surrender possession of the Premises, or the portion in which you reside, to IMB REO LLC through ROSALIE MARTINONO, its agent, who can be reached at 707-291-5057 from 9:00 a.m. to 5:00 p.m. on all business days, unless you provide evidence to the undersigned law firm that you are a bona fide tenant pursuant to Section 702(a)(2)(A) of the federal "Protecting Tenants at Foreclosure Act of 2009" ("PTFA") or are protected by Section 703 of the PTFA. Please see Page 2 Addendum of this Notice for instructions on how to deliver this evidence.

If within the applicable period as set forth above, EITHER if you fail to surrender possession OR if you fail to provide evidence that you are a bona fide tenant pursuant to Section 702(a)(2)(A) of the PTFA or are protected by Section 703 of the PTFA, IMB REO LLC will commence eviction proceedings against you to recover possession of the Premises and for damages caused by your unlawful detention of the Premises.

PARA ASISTENCIA EN ESPANOL LLAME AL 949.854.2244, EXT. 261.

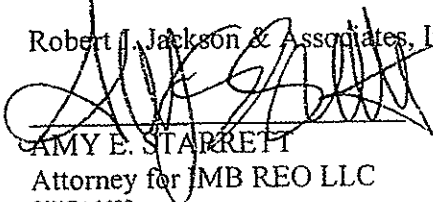
(NOTICE HAS A SECOND PAGE)

UNLESS CONTACT IS MADE AND ACCEPTABLE EVIDENCE TO SHOW A LEGITIMATE TENANCY IS PRODUCED WITHIN THREE (3) DAYS OF THE SERVICE OF THIS NOTICE, THE EVICTION ACTION WILL BE COMMENCED AGAINST THE ABOVE NAMED FORMER OWNER(S) BASED ON THE THREE (3) DAY PORTION OF THIS NOTICE.

This Notice is given pursuant to the provisions of the PTFA and Code of Civil Procedure §§ 1161, 1161a and 1161b, and if applicable, includes the 60 day Notice required by CCP 1161b within the above 90 day Notice period.

This notice also constitutes a notice of non-renewal of any lease applicable to the Premises.

Dated: December 4, 2009

Robert J. Jackson & Associates, Inc.

AMY E. STARRETT
Attorney for JMB REO LLC
OWCA6608

TENANT INFORMATION

IF YOU ARE A TENANT of the prior owner, you must provide the following documents:

- A copy of your lease
- A return phone number and hours to reach you
- The receipt for the last six (6) payments made to the landlord for the residence

by mail, fax, or in person to:

Robert J. Jackson & Associates, Inc.
Tenant Occupied Properties Department
4199 Campus Drive, Suite 700
Irvine, CA 92612

Fax: 949.892.1336

For any questions, please call 949.854.2244, Ext. 208

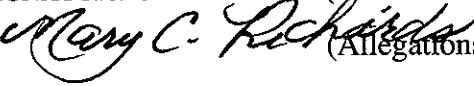
PARA ASISTENCIA EN ESPANOL LLAME AL 949.854.2244, EXT. 261.

DISCLAIMER:

This Notice is an attempt to collect a debt and any information obtained from you will be used for that purpose. If you notify Robert J. Jackson and Associates, Inc. ("RJJ") at 4199 Campus Drive, Suite 700, Irvine, CA 92612, in writing, within thirty days, that you wish to be provided the name and address of the original creditor if different from the current creditor or that the debt is disputed, RJJ will obtain the requested information and a copy will be mailed to you. Unless you make these requests within thirty days of the date of this Notice the debt will be deemed valid.

CAUTION: Your thirty day rights set forth in this disclaimer do not extend your right to pay or vacate set forth in the Notice, AND, the Notice to pay or vacate does not shorten or otherwise affect your thirty day rights set out in this disclaimer.

B104 (FORM 104) (8/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR		BANKRUPTCY CASE NO. 10-40860-EDJ
DISTRICT IN WHICH CASE IS PENDING Multi-district litigation see 08-13555 ET Seq	DIVISION OFFICE Oakland	NAME OF JUDGE Edward Jellen
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF see attached class actions	DEFENDANT see attached class actions parties to my loan	ADVERSARY PROCEEDING NO. Hearing to determine transfer of loan services <input checked="" type="checkbox"/>
DISTRICT IN WHICH ADVERSARY IS PENDING see attached class actions	DIVISION OFFICE see attached class actions <input checked="" type="checkbox"/>	NAME OF JUDGE Marvin Aspen a/or to be determined
SIGNATURE OF ATTORNEY (OR PLAINTIFF)  (Allegations of ineffective assistance of counsel to shareholders.)		
DATE 4/4/10	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Mary Richards and/or Brian Giorgi medical power of attorney	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**United States Bankruptcy
Court**

NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL FILED

APR - 5 2010

**BANKRUPTCY COURT
OAKLAND, CALIFORNIA**

In re

Bankruptcy Case No. 10-40860-
EDJ

ROBERT DANIEL EBERWEIN

Debtor

**FEE WAIVER APPLICATION
OF EX PARTE MOTION NUN PRO TUNC CONVERSION TO
CHAPTER ELEVEN AND ORIGINAL DEBTOR BACK ON CASE
CAPTION**

YOU ARE NOTIFIED that Robert Daniel Eberwein was forced into bankruptcy because of the actions of the Predatory Lenders Limited Power of Attorneys giving believe real estate brokers such as Hal Hutchens Affiliated Brokers, California Prudential Realtors, Pite and Duncan are eviction attorneys and bankruptcy attorneys for all parties to the note. They the Shareholders have never signed any sworn declarations just the attorneys stating out of the county. Having Researched the Bond Securitization Package on My Properties and the Properties Managed by 3109 King Street Property Management World Wide I had filed a Chapter Seven, Chapter Eleven, Chapter 13 form with my bankruptcy. Robert Daniel Eberwein has shown to the court that they continue to gain more accounts dealing with same parties now have proof that Glen N. Navis special appearing attorney, can not appear for all parties to the note I therefore apply for conversion to Chapter Eleven which I did not expected honesty from Martha Bronitisky after what she did to Lonnie Ratliff. But I did hope that Mansdorf as Chapter Seven Trustee was required to go after my money and property and insurance proceeds.

That Did not happen.

Therefore the court grants the fee waiver file this notice of conversion and fee waiver application on the rest of the 1000.00 fee or the court take it out of the adversary fees that I paid on 10-4019, 10-4020, 10-4021. Sworn under penalty of perjury executed in Berkeley California under the laws of United States and Foreign Governments that lost their pension funds in the subprime mortgages currently being decided in Lehman Brothers Bankruptcy 08-13555. Wherefore Pray NUN PRO TUNC that the case go forward as Chapter Eleven. And the Creditor

Meeting for April 7, 2010 be cancelled

Robert Daniel Eberwein 4/4/10

Robert Daniel Eberwein

Cooper

United States Bankruptcy Court

NORTHERN DISTRICT OF CALIFORNIA

In re

Bankruptcy Case No. 10-40860-
EDJ

ROBERT DANIEL EBERWEIN

Debtor

RECEIVED
APR - 5 2010
BANKRUPTCY COURT
OAKLAND, CALIFORNIA

PROPOSED ORDER OF EX PARTE MOTION NUN PRO TUNC CONVERSION TO CHAPTER ELEVEN AND ORIGINAL DEBTOR BACK ON CASE CAPTION FEE WAIVER APPLICATION

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SO Ordered _____ EDWARD JELLEN4/4/10

United States Bankruptcy Court

NORTHERN DISTRICT OF CALIFORNIA

In re

Bankruptcy Case No. 10-40860-
EDJ

ROBERT DANIEL EBERWEIN

Debtor

ORIGINAL FILED

APR - 5 2010

BANKRUPTCY COURT
OAKLAND, CALIFORNIA

NOTICE OF EX PARTE MOTION NUN PRO TUNC CONVERSION TO CHAPTER ELEVEN AND ORIGINAL DEBTOR BACK ON CASE CAPTION

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Robert Daniel Eberwein

 4/4/10

USBCBONY

08-13555

**United States Bankruptcy
Court**

NORTHERN DISTRICT OF CALIFORNIA

In re

Bankruptcy Case No. 10-40860-
EDJ

ROBERT DANIEL EBERWEIN

Debtor

ORIGINAL FILED

APR -5 2010

BANKRUPTCY COURT
OAKLAND, CALIFORNIA

**NOTICE OF EX PARTE MOTION NUN PRO TUNC CONVERSION TO
CHAPTER ELEVEN AND ORIGINAL DEBTOR BACK ON CASE
CAPTION**

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Robert Daniel Eberwein

Robert Daniel Eberwein 4/4/10

FORM B10 (Official Form 10) (04/04)

Pg 16 of 51

UNITED STATES BANKRUPTCY COURT

DISTRICT OF

PROOF OF CLAIM

Name of Debtor

Case Number

08-13555

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):

AFFILIATED BROKERS

Name and address where notices should be sent:

HAL HUTCHENS
3630 35th AVE
OAKLAND, CA 94614

Telephone number:

- ☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- ☐ Check box if you have never received any notices from the bankruptcy court in this case.
- ☒ Check box if the address differs from the address on the envelope sent to you by the court.

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor:

A.P.N. 004-0015-015

Check here ☐ replaces
if this claim a previously filed claim, dated: _____
☐ amends

1. Basis for Claim

- ☐ Goods sold
- ☐ Services performed
- ☐ Money loaned
- ☐ Personal injury/wrongful death
- ☐ Taxes
- ☒ Other REAL ESTATE

- ☐ Retiree benefits as defined in 11 U.S.C. § 1114(a)
- ☐ Wages, salaries, and compensation (fill out below)
Last four digits of SS #: _____
Unpaid compensation for services performed
from _____ to _____
(date) (date)

2. Date debt was incurred:

1-20-2010

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed: \$

(unsecured)

(secured)

(priority)

(Total)

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.

- ☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

- ☐ Real Estate ☐ Motor Vehicle
- ☐ Other _____

Value of Collateral: \$ 0

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ SEE ATTACHMENT 1

6. Unsecured Nonpriority Claim \$

- ☐ Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.

7. Unsecured Priority Claim.

- ☐ Check this box if you have an unsecured priority claim

Amount entitled to priority \$ _____

Specify the priority of the claim:

- ☐ Wages, salaries, or commissions (up to \$4,925)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- ☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
- ☐ Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- ☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(_____).

*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

9. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim

THIS SPACE IS FOR COURT USE ONLY

Date

1-30-2010

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

Lisa Morris LISA MORRIS

The Following Case files are applicable to this case also

/ Proof of Claim

09-70509-EDJ-13

09-72390-EDJ-13

05-cv-07097-

05-32521

10-4019

10-4020

10-4021

09-4560

06-3063

99-34016

06-3129

06-3130

09-23690

**SUMMONS
(CITATION JUDICIAL)
UNLAWFUL DETAINER - EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE - DESALOJO)**

SUM-130

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
LISA MORRIS, and DOES 1-5

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
PROPERTY ASSET MANAGEMENT, INC.

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org) en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

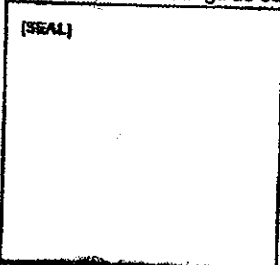
"BY FAX"

- The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
1225 FALLON STREET
OAKLAND, CA 94612
RENE C. DAVIDSON COURTHOUSE LIMITED CIVIL CASE
- The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
DAVID R. ENDRES, APC (CA Bar No. 123564) (530) 750-3700
THE ENDRES LAW FIRM, A PROFESIONAL CORPORATION (530) 750-3344
2121 2ND STREET, SUITE C105
DAVIS, CA 95618
- (Must be Answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

CASE NUMBER
(Número del caso): 09470444

Date: (Fecha) AUG 25 2009
Clerk, by Tasha Perry, Deputy
(Secretario) Pat S. Sweeten

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)



4. NOTICE TO THE PERSON SERVED: You are served
- ☐ as an individual defendant.
 - ☐ as the person sued under the fictitious name of (specify):
 - ☐ as an occupant
 - ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ CCP 416.46 (occupant) ☐ other (specify):
5. ☐ by personal delivery on (date):

COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DAVID R. ENDRES, APC (CA Bar No. 123564) THE ENDRES LAW FIRM 2121 2ND STREET, SUITE C105 DAVIS, CA 95618		FOR COURT USE ONLY CM-010 AUG 9 - 2009
TELEPHONE NO.: (530) 750-3700	FAX NO.: (530) 750-3344	
ATTORNEY FOR (Name): PLAINTIFF		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 FALLON STREET MAILING ADDRESS: SAME CITY AND ZIP CODE: OAKLAND, CA 94612 BRANCH NAME: RENE C. DAVIDSON COURTHOUSE		
CASE NAME: PROPERTY ASSET MANAGEMENT INC., v. LISA MORRIS, and DOES 1-5		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: 09470444 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DPDWD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DPDWD (23) Non-P/DPDWD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DPDWD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input checked="" type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	---	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): ONE
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: AUGUST 17, 2009

DAVID R. ENDRES, APC

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

COPY

PLAINTIFF (Name): PROPERTY ASSET MANAGEMENT INC.	CASE NUMBER:
DEFENDANT (Name): LISA MORRIS	

6. c. ☒ The defendants not named in item 6a are
- (1) ☐ subtenants.
- (2) ☐ assignees.
- (3) ☒ other (specify): ALL UNKNOWN OCCUPANTS
- d. ☐ The agreement was later changed as follows (specify):
- e. ☒ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)
- f. ☐ (For residential property) A copy of the written agreement is not attached because (specify reason):
- (1) ☐ the written agreement is not in the possession of the landlord or the landlord's employees or agents.
- (2) ☐ this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).
7. ☒ a. Defendant (name each): LISA MORRIS, ALL UNKNOWN OCCUPANTS
- was served the following notice on the same date and in the same manner:
- (1) ☒ 3-day notice to pay rent or quit
- (2) ☐ 30-day notice to quit
- (3) ☐ 60-day notice to quit
- (4) ☐ 3-day notice to perform covenants or quit
- (5) ☐ 3-day notice to quit
- (6) ☐ Other (specify):
- b. (1) On (date): AUGUST 11, 2009
- (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d. ☒ The notice included an election of forfeiture.
- e. ☒ A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166.)
- f. ☐ One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a-e and 8 for each defendant.)
8. a. ☒ The notice in item 7a was served on the defendant named in item 7a as follows:
- (1) ☐ by personally handing a copy to defendant on (date):
- (2) ☐ by leaving a copy with (name or description):
- a person of suitable age and discretion, on (date): at defendant's
- (date): residence ☐ business AND mailing a copy to defendant at defendant's place of residence on
- place of business. because defendant cannot be found at defendant's residence or usual
- (3) ☒ by posting a copy on the premises on (date): AUGUST 6, 2009 ☒ AND giving a copy to a person found
- residing at the premises AND mailing a copy to defendant at the premises on
- (date): AUGUST 6, 2009
- (a) ☐ because defendant's residence and usual place of business cannot be ascertained OR
- (b) ☒ because no person of suitable age or discretion can be found there.
- (4) ☐ (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered mail
- addressed to defendant on (date):
- (5) ☐ (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written
- commercial lease between the parties.
- b. ☐ (Name):
- was served on behalf of all defendants who signed a joint written rental agreement.
- c. ☐ Information about service of notice on the defendants alleged in item 7f is stated in Attachment 8c.
- d. ☒ Proof of service of the notice in item 7a is attached and labeled Exhibit 3.

"BY FAX"

VERIFICATION

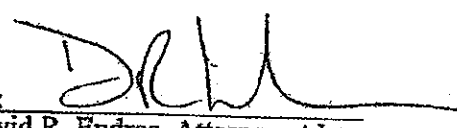
I, the undersigned, declare:

I have read the foregoing Verified Complaint For Unlawful Detainer and know its contents.

I am the attorney or one of the attorneys for PROPERTY ASSET MANAGEMENT, INC., a party to this action. Such is absent from the county where I or such attorneys have their offices and is unable to verify the document described above. For that reason, I am making this verification for and behalf of that party. I am informed and believe and on that basis allege that the matters stated in said document are true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 17th day of August, 2009, at Davis, California.

By: 
David R. Endres, Attorney at Law

"BY FAX"

PROOF OF SERVICE

I, the undersigned, declare that I served the Notice(s) below indicated:
Three Day Notice to Pay Rent or Quit

The above described Notice(s) were served on the following named parties in the manner set forth below:

NAME: **LISA MORRIS**
ADDRESS: **1056 10TH Street, OAKLAND, CA 94607**

☐ 1. PERSONAL SERVICE

By delivering a copy of the Notice(s) to each of the above personally:
(1) on:
(2) at:

☒ 2. CONSTRUCTIVE SERVICE

After due and diligent effort, by service of said Notice(s) as authorized by
C.C.P. Section 1162 (2,3) on each of the above named parties in the
manner set forth below:

☒ By posting a copy for each of the above named parties on 8/6/2009 at 6:10 PM in a conspicuous place
on the property;

☒ and thereafter mailing a copy to each said party by depositing said copies in the United States mail on
(date): **August 6th, 2009**, from (city): **OAKLAND, CA**, in a sealed envelope with postage fully prepaid,
addressed to each said party at their place where the property is situated or,

☐ a declaration of mailing is attached.

At the time of service, I was at least 18 years of age. I declare under penalty of perjury that the foregoing is true and correct.

Person who served papers

a. Name: **Granville Smith**
b. Address: **304 12th St, Suite 4A, Oakland, CA 94607**
c. Telephone number: **510-832-0701**
d. The fee for service was: **\$89.50**

e. I am:

- (1) ☐ not a registered California process server.
(2) ☐ exempt from registration under Business and Professions Code section 22350(b).
(3) ☒ registered California process server:

- (i) ☐ owner ☐ employee ☒ independent contractor
(ii) ☒ Registration No.: **1014**
(iii) ☒ County: **Alameda**

☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
or

☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **8/7/2009**

Granville Smith

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

PROOF OF SERVICE

Page 1 of 1

Order No. 6007189 SEA FIL



Exhibit 3

"BY FAX"

PLAINTIFF (Name): PROPERTY ASSET MANAGEMENT INC.	CASE NUMBER:
DEFENDANT (Name): LISA MORRIS, and DOES 1-5	

NOTICE: If you fail to file this claim, you will be evicted without further hearing.

11. (Response required within five days after you file this form) I understand that I will have five days (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

12. Rental agreement. I have (check all that apply to you):

- a. ☐ an oral rental agreement with the landlord.
- b. ☐ a written rental agreement with the landlord.
- c. ☐ an oral rental agreement with a person other than the landlord.
- d. ☐ a written rental agreement with a person other than the landlord.
- e. ☐ other (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

.....
(TYPE OR PRINT NAME)

(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim of right to possession, the unlawful detainer (eviction) action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

"BY FAX"

- NOTICE TO OCCUPANTS -

YOU MUST ACT AT ONCE if all the following are true:

1. You are NOT named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is the court filing date on the accompanying Summons and Complaint.)
3. You still occupy the premises.

(Where to file this form) You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the reverse of this form) at the court where the unlawful detainer (eviction) complaint was filed.

(What will happen if you do not file this form) If you do not complete and submit this form (and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. If you do not file this claim, you will be evicted without a hearing.

**SUMMONS
(CITATION JUDICIAL)
UNLAWFUL DETAINER - EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE - DESALOJO)**

SUM-130

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
LISA MORRIS, and DOES 1-5

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
PROPERTY ASSET MANAGEMENT, INC.

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

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"BY FAX"

1. The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
1225 FALLON STREET
OAKLAND, CA 94612
RENE C. DAVIDSON COURTHOUSE LIMITED CIVIL CASE

CASE NUMBER
(Número del caso): 09470444

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
DAVID R. ENDRES, APC (CA Bar No. 123564) (530) 750-3700
THE ENDRES LAW FIRM, A PROFESSIONAL CORPORATION (530) 750-3344
2121 2ND STREET, SUITE C105
DAVIS, CA 95618
3. (Must be Answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date:
(Fecha) AUG 25 2009

Clerk, by
(Secretario)

Pat S. Sweeton

Tasha Perry

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

4. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.
b. ☐ as the person sued under the fictitious name of (specify):
c. ☐ as an occupant
d. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 416.40 (association or partnership)
☐ CCP 416.46 (occupant)

☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (authorized person)
☐ other (specify):

5. ☐ by personal delivery on (date):

Page 1 of 2

COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DAVID R. ENDRES, APC (CA Bar No. 123564) THE ENDRES LAW FIRM 2121 2ND STREET, SUITE C105 DAVIS, CA 95618		FOR COURT USE ONLY
TELEPHONE NO.: (530)750-3700 FAX NO.: (530)750-3344		
ATTORNEY FOR (Name): PLAINTIFF		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 FALLON STREET MAILING ADDRESS: SAME CITY AND ZIP CODE: OAKLAND, CA 94612 BRANCH NAME: RENE C. DAVIDSON COURTHOUSE LIMITED CIVIL CASE		
CASE NAME: PROPERTY ASSET MANAGEMENT INC., v. LISA MORRIS, and DOES 1-5		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	
Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: RS 09470444 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other P/IPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other P/IPD/W/D (23)</p> <p>Non-P/IPD/W/D (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-P/IPD/W/D tort (35)</p> <p>Employment</p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p>	<p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (08)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input checked="" type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (not specified above) (43)</p>
---	--	---

'BY FAX'

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
- b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action: _____

4. Number of causes of action (specify): ONE
5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
Date: AUGUST 17, 2009

DAVID R. ENDRES, APC

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- NOTICE**
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
 - File this cover sheet in addition to any cover sheet required by local court rule.
 - If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
 - Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

COPY

PLAINTIFF (Name): PROPERTY ASSET MANAGEMENT INC.	CASE NUMBER:
DEFENDANT (Name): LISA MORRIS	

6. c. ☒ The defendants not named in item 6a are
- (1) ☐ subtenants.
- (2) ☐ assignees.
- (3) ☒ other (specify): ALL UNKNOWN OCCUPANTS
- d. ☐ The agreement was later changed as follows (specify):
- e. ☒ A copy of the written agreement, including any addenda or attachments that form the basis of this complaint, is attached and labeled Exhibit 1. (Required for residential property, unless item 6f is checked. See Code Civ. Proc., § 1166.)
- f. ☐ (For residential property) A copy of the written agreement is not attached because (specify reason):
- (1) ☐ the written agreement is not in the possession of the landlord or the landlord's employees or agents.
- (2) ☐ this action is solely for nonpayment of rent (Code Civ. Proc., § 1161(2)).
7. ☒ a. Defendant (name each): LISA MORRIS, ALL UNKNOWN OCCUPANTS
- was served the following notice on the same date and in the same manner:
- (1) ☒ 3-day notice to pay rent or quit
- (2) ☐ 30-day notice to quit
- (3) ☐ 60-day notice to quit
- (4) ☐ 3-day notice to perform covenants or quit
- (5) ☐ 3-day notice to quit
- (6) ☐ Other (specify):
- b. (1) On (date): AUGUST 11, 2009 the period stated in the notice expired at the end of the day.
- (2) Defendants failed to comply with the requirements of the notice by that date.
- c. All facts stated in the notice are true.
- d. ☒ The notice included an election of forfeiture.
- e. ☒ A copy of the notice is attached and labeled Exhibit 2. (Required for residential property. See Code Civ. Proc., § 1166.)
- f. ☐ One or more defendants were served (1) with a different notice, (2) on a different date, or (3) in a different manner, as stated in Attachment 8c. (Check item 8c and attach a statement providing the information required by items 7a-e and 8 for each defendant.)
8. a. ☒ The notice in item 7a was served on the defendant named in item 7a as follows:
- (1) ☐ by personally handing a copy to defendant on (date):
- (2) ☐ by leaving a copy with (name or description):
- a person of suitable age and discretion, on (date): at defendant's
- ☐ residence ☐ business AND mailing a copy to defendant at defendant's place of residence on
- (date): because defendant cannot be found at defendant's residence or usual
- place of business.
- (3) ☒ by posting a copy on the premises on (date): AUGUST 6, 2009 ☒ AND giving a copy to a person found
- residing at the premises AND mailing a copy to defendant at the premises on
- (date): AUGUST 6, 2009
- (a) ☐ because defendant's residence and usual place of business cannot be ascertained OR
- (b) ☒ because no person of suitable age or discretion can be found there.
- (4) ☐ (Not for 3-day notice; see Civil Code, § 1946 before using) by sending a copy by certified or registered mail
- addressed to defendant on (date):
- (5) ☐ (Not for residential tenancies; see Civil Code, § 1953 before using) in the manner specified in a written
- commercial lease between the parties.
- b. ☐ (Name):
- was served on behalf of all defendants who signed a joint written rental agreement.
- c. ☐ Information about service of notice on the defendants alleged in item 7f is stated in Attachment 8c.
- d. ☒ Proof of service of the notice in item 7a is attached and labeled Exhibit 3.

"BY FAX"

VERIFICATION

I, the undersigned, declare:

I have read the foregoing Verified Complaint For Unlawful Detainer and know its contents.

I am the attorney or one of the attorneys for PROPERTY ASSET MANAGEMENT, INC., a party to this action. Such is absent from the county where I or such attorneys have their offices and is unable to verify the document described above. For that reason, I am making this verification for and behalf of that party. I am informed and believe and on that basis allege that the matters stated in said document are true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 17th day of August, 2009, at Davis, California.

By: 

David R. Endres, Attorney at Law

"BY FAX"

PROOF OF SERVICE

I, the undersigned, declare that I served the Notice(s) below indicated:
Three Day Notice to Pay Rent or Quit

The above described Notice(s) were served on the following named parties in the manner set forth below:

NAME: **LISA MORRIS**

ADDRESS: **1056 10TH Street, OAKLAND, CA 94607**

☐ 1. PERSONAL SERVICE

By delivering a copy of the Notice(s) to each of the above personally:

(1) on:

(2) at:

☒ 2. CONSTRUCTIVE SERVICE

After due and diligent effort, by service of said Notice(s) as authorized by C.C.P. Section 1162 (2,3) on each of the above named parties in the manner set forth below:

☒ By posting a copy for each of the above named parties on **8/6/2009 at 6:10 PM** in a conspicuous place on the property;

☒ and thereafter mailing a copy to each said party by depositing said copies in the United States mail on (date): **August 6th, 2009**, from (city): **OAKLAND, CA**, in a sealed envelope with postage fully prepaid, addressed to each said party at their place where the property is situated or,

☐ a declaration of mailing is attached.

At the time of service, I was at least 18 years of age. I declare under penalty of perjury that the foregoing is true and correct.

Person who served papers

a. Name: **Granville Smith**

b. Address: **304 12th St, Suite 4A, Oakland, CA 94607**

c. Telephone number: **510-832-0701**

d. The fee for service was: **\$89.50**

e. I am:

(1) ☐ not a registered California process server.

(2) ☐ exempt from registration under Business and Professions Code section 22350(b).

(3) ☒ registered California process server:

(i) ☐ owner ☐ employee ☒ independent contractor.

(ii) ☒ Registration No.: **1014**

(iii) ☒ County: **Alameda**

☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **8/7/2009**

Granville Smith

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

Granville E. Smith

(SIGNATURE)

PROOF OF SERVICE

Page 1 of 1

Order No. 6007189 SEA FIL



Exhibit 3

"BY FAX"

PLAINTIFF (Name): PROPERTY ASSET MANAGEMENT INC.	CASE NUMBER:
DEFENDANT (Name): LISA MORRIS, and DOES 1-5	

NOTICE: If you fail to file this claim, you will be evicted without further hearing.

11. (Response required within five days after you file this form) I understand that I will have five days (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

12. Rental agreement. I have (check all that apply to you):

- a. ☐ an oral rental agreement with the landlord.
- b. ☐ a written rental agreement with the landlord.
- c. ☐ an oral rental agreement with a person other than the landlord.
- d. ☐ a written rental agreement with a person other than the landlord.
- e. ☐ other (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

.....
(TYPE OR PRINT NAME)

(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim of right to possession, the unlawful detainer (eviction) action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

"BY FAX"

- NOTICE TO OCCUPANTS -

YOU MUST ACT AT ONCE if all the following are true:

1. You are NOT named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is the court filing date on the accompanying Summons and Complaint.)
3. You still occupy the premises.

(Where to file this form) You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the reverse of this form) at the court where the unlawful detainer (eviction) complaint was filed.

(What will happen if you do not file this form) If you do not complete and submit this form (and pay a filing fee or file the form for proceeding in forma pauperis if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. If you do not file this claim, you will be evicted without a hearing.

COPY
OF ORIGINAL FILED

Robert Daniel Eberwein

3109 King St #A,BC,D,

Berkeley Ca 94703-2451

1853 9th Ave, 1,2,3,4

Oakland CA 94606-3019

2010 MAR 18 PM 4:29

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CA
OAKLAND, CA

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT CALIFORNIA

10-40860-EDJ13-7

IN RE: ROBERT DANIEL EBERWEIN

MARCH 26, 2010

DEBTOR

9:00-10:00 AM

EDWARD JELLEN JUDGE

OPPOSITION FEDERAL RULE 60B.6

HSBC BANK ALLEGED

MOTIONS IN REM RELIEF FROM STAY

CO-DEBTOR ANNULMENT OF STAY

BY NON-APPEARING PITE AND DUNCAN

-----/

I ROBERT DANIEL EBERWEIN OPPOSE BOTH MOTIONS AND HAVE FILED IN THE COMMISSION OF JUDICIAL PERFORMANCE, CONSUMER COMPLAINT THAT NOBODY TO THE TITLE SHOWED UP IN THE STATE COURT HEARINGS AFTER I PAID TO HAVE THOSE STATE COURT ACTIONS REMOVED 10-4019, 10-4020, 10-4021. 3109 KING WAS TAKEN OUT AS PARTY WITHOUT HEARING BY JUDGE JELLEN, I WILL NOT AND HAVE BEEN TOLD BY HAL HUTCHENS TO MY EMPLOYEES THAT JUDGE JELLEN IS GOING TO FORGET THAT 3109 KING STREET IS NO LONGER A PARTY. MY FIRST BANKRUPTCY. SWORN UNDER PENALTY OF PERJURY IN BERKELEY CA EXECUTED UNDER THE LAWS OF UNITED STATES 03/18/2010 AT 4:12pm

ELECTRONICALLY SIGNED Robert d Eberwein 6024

Northern District of California Claims Register

10-40860 Robert Daniel Eberwein **Converted** 02/10/2010

Judge: Edward D. Jellen **Chapter:** 7
Office: Oakland **Last Date to file claims:**
Trustee: Paul Mansdorf **Last Date to file (Govt):**

Creditor: (10637730) EBMUD Payment Center P.O. Box 1000 Oakland, CA 94649-0001	Claim No: 1 Original Filed Date: 02/17/2010 Original Entered Date: 02/17/2010	Status: Filed by: CR Entered by: hp Modified:
Unsecured claimed: \$205.38 Total claimed: \$205.38		
History: Details 1-1 02/17/2010 Claim #1 filed by EBMUD Payment Center, total amount claimed: \$205.38 (hp)		
Description:		
Remarks:		

Claims Register Summary

Case Name: Robert Daniel Eberwein
Case Number: 10-40860
Chapter: 7
Date Filed: 01/27/2010
Total Number Of Claims: 1

	Total Amount Claimed	Total Amount Allowed
Unsecured	\$205.38	
Secured		
Priority		
Unknown		
Administrative		
Total	\$205.38	\$0.00

517

UNITED STATES BANKRUPTCY COURT
OFFICE OF THE CLERK
NORTHERN DISTRICT OF CALIFORNIA

TEMPORARY RECEIPT

Received from	<u>Will Gordon</u>	Amount	<u>.10</u>
Address	<u>2042 Dwight way</u>	Payment Type /	<u>cash</u>
	<u>Berkeley, CA</u>	No.	<u>10-40860</u>
Debtor's Name	<u>Robert Eberwein</u>	Case No.	<u>copy work</u>
		Type of Service	

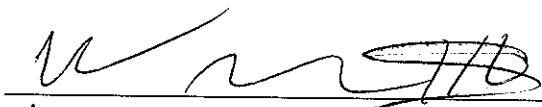
This temporary receipt is being issued because our automated receipting system has been closed out for the day or because it is unavailable. A permanent receipt will be mailed to you when the remittance is processed for receipt.

Deputy Clerk Lydia Murray Date 3/18/2010

I declare under penalty of perjury that the foregoing is true and correct and that this

declaration was executed on (date/time) _____ at the hour _____.

Type name


sign name

Attachments of case no RG04138521:

1. Proof of Service of _____ Lisa Swain-Morris Trustor
1054-1056 10th St
Oakland Ca 94607

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA

IN RE: KAMAAL ROMON GOYENS SR

09-72390-EDJ-13

DEBTOR

EX-PARTE APPLICATION
NUN PRO TUNC ENTRY OF
MISSING COURT DOCUMENT
PROOFS OF CLAIMS

CLAIMANT LISA SWAIN-MORRIS TRUSTOR
AND/FOR OCCUPANTS NON-
BORROWER BRIAN COLEMAN ET SEQ

UNITED STATES BANKRUPTCY COURT

Pg 34 of 51

PROOF OF CLAIM

Name of Debtor:

Case Number:

Lehman Brothers Holding Inc08-13555

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

WELLS FARGO BANK, NA

☐ Check this box to indicate that this claim amends a previously filed claim.

Name and address where notices should be sent:

MICHAEL J ILNICKI
855 DONALD ST.
SONOMA, CA 95476

Court Claim Number: _____

(if known)

Telephone number:

415 902 3698

Filed on: _____

Name and address where payment should be sent (if different from above):

SAME

Lehman Brothers Holding Inc☐ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

Telephone number:

SAME

☐ Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ _____

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

2. Basis for Claim: MORTGAGE NOTE

(See instruction #2 on reverse side.)

☐ Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).3. Last four digits of any number by which creditor identifies debtor 5752

3a. Debtor may have scheduled account as: _____

(See instruction #3a on reverse side.)

☐ Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☒ Real Estate ☐ Motor Vehicle ☐ Other

Describe:

Value of Property: \$ _____ Annual Interest Rate _____ %

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ _____ Basis for perfection: _____

Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____

☐ Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).☐ Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).☐ Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).☐ Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().

Amount entitled to priority:

\$ _____

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

Date: 4/19/10

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

FOR COURT USE ONLY

35
Recording Requested By:
FIRST AMERICAN LOANSTAR TRUSTEE
SERVICES

When Recorded Mail To:
FIRST AMERICAN LOANSTAR TRUSTEE
SERVICES
P.O. BOX 961253
FT WORTH, TX 76161-0253



2009064258

OFFICIAL RECORDS OF
SONOMA COUNTY
JANICE ATKINSON

GENERAL PUBLIC
06/30/2009 11:20 ASGTTD
RECORDING FEE: 8.00
PAID

1 PG



APN: 127-093-059-000
TS No.: 20099070810854

Space above this line for Recorder's use only

Title Order No.: 4135739



ASSIGNMENT OF DEED OF TRUST

For Value Received, the undersigned corporation hereby grants, assigns, and transfers to:

HSBC Bank USA, National Association as Trustee for Wells Fargo Asset Securities
Corporation, Mortgage Asset-Backed Pass-Through Certificates Series 2007-AR8

all beneficial interest under that certain Deed of Trust dated: 7/31/2007 executed by

MICHAEL J ILNICKI

Trustor(s), to FIDELITY NATIONAL TITLE INSURANCE COMPANY, as Trustee, and recorded
on 8/14/2007 as Instrument No. 2007090158, in Book , Page in the office of the County Recorder of
SONOMA County, CALIFORNIA together with the Promissory Note secured by said Deed of Trust
and also all rights accrued or to accrue under said Deed of Trust.

Dated: JUN 20 2009

WELLS FARGO BANK, N.A. BY FIRST
AMERICAN LOANSTAR TRUSTEE SERVICES,
LLC, ITS ATTORNEY IN FACT, AS
BENEFICIARY


By: 
Chet Sconyers, Certifying Officer

State of TEXAS

County of TARRANT

Before me Kent R. O'Quinn *notary public*, on this day personally appeared,
Chet Sconyers, known to me to be the person whose name is
subscribed to the foregoing instrument and acknowledged to me that this person executed the same for
the purposes and consideration therein expressed.

Given under my hand and seal of office this JUN 20 2009 day of JUN 20 2009, A.D.,

 (Notary Seal)

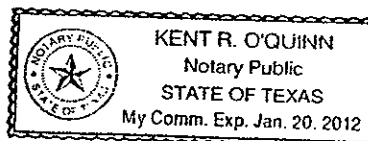
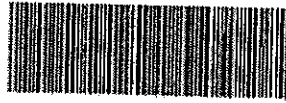


Exhibit C

22
Requested and Prepared by:

When Recorded Mail To:
FIRST AMERICAN LOANSTAR TRUSTEE SERVICES
P.O. BOX 961253
FT. WORTH, TX 76161-0253

CALSA



2009060333

OFFICIAL RECORDS OF
SONOMA COUNTY
JANICE ATKINSON

GENERAL PUBLIC
06/19/2009 11:13 SBST
RECORDING FEE: 11.00
PAID

2 PGS



Space above this line for Recorder's use only

TS No. : 20099070810854
TSG No. : 4135739
Loan No.: *****5752/ILNICKI

California

SUBSTITUTION OF TRUSTEE

WHEREAS,

MICHAEL J ILNICKI

was the original Trustor, FIDELITY NATIONAL TITLE INSURANCE COMPANY was the original Trustee, and WELLS FARGO BANK, N.A. was the original Beneficiary under that certain Deed of Trust Dated 7/31/2007 and recorded on 08/14/2007 as Instrument No. 2007090158, in Parcel No. 127-093-059-000 of Official Records of SONOMA County, California; and

WHEREAS, the undersigned is the present Beneficiary under said Deed of Trust, and

WHEREAS, the undersigned desires to substitute a new Trustee under said Deed of Trust in place and instead of said original Trustee, or Successor Trustee, thereunder, in the manner in said Deed of Trust provided,

NOW, THEREFORE, the undersigned hereby substitute, FIRST AMERICAN LOANSTAR TRUSTEE SERVICES WHOSE ADDRESS IS: P.O. BOX 961253, FT. WORTH, TX 76161-0253 as Trustee under said Deed of Trust.

Whenever the context hereof so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

SUBSTITUTION OF TRUSTEE - PAGE 2

TS No.: 20099070810854
TSG No.: 4135739
Loan No.: *****5752/ILNICKI

California

WELLS FARGO BANK, N.A.
by First American LoanStar Trustee Services, LLC
as attorney in fact

Date: 6/16/2009


CHET SCONYERS, Certifying Officer

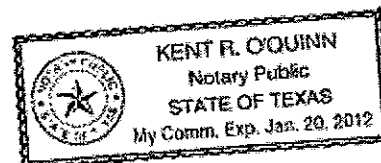
State of TEXAS)
County of TARRANT)

Before me KENT R. O'QUINN *Notary Public* on this day personally appeared CHET SCONYERS, CERTIFYING OFFICER
known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that this person executed the
same for the purposes and consideration therein expressed.

Given under my hand and seal of office this JUN 16 2009 day of JUN 16 2009, A.D.,

WITNESS my hand and official seal,

Signature  (Seal)
KENT R. O'QUINN



ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS Robert Daniel Eberwein a/o	DEFENDANTS United States Bankruptcy Court NDCR(DAK) 10-40860-EDM			
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known) U.S. Dept of Justice Attorney 1301 Clay St 68904 CA			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Notice of Removal of Bankruptcy Case 10-40860-EDM to proper venue New York Due To Bank Securitization CWAIT 2005-1				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input checked="" type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input checked="" type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; 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B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS <small>Lehman Brothers bankruptcy and/or 3109 King St. Property Management 394717/388883 Robert Eberwein and/or mortgage defaults, unlawful detainers filed nationwide involving transfer of property in rem in the attached court documents from Solano, Marin, Alameda, Contra Costa, Los Angeles, Sacramento, nationwide by non-appearing certificate holders due to sworn declarations signed by debt collector attorneys with no standing to sue.</small>	DEFENDANTS Attorney Generals predatory lenders attorneys of record special appearing for debt collectors - see attached attached state court actions - Supreme Court, Court of Appeals, multi-district litigation 08-13555	
ATTORNEYS (Firm Name, Address, and Telephone No.) for each class action participant in removed actions will be filing motions for substitution of counsel and motions to avoid judicial liens and trustee sales.	ATTORNEYS (If Known) <small>Miles Bauer, Bergstrom, Winters, Ryan Stocking () Pite Duncan LLP 4735 Jutland, San Diego, CA () Sara Kistler USDOJ Region 17 () Special Appearing Attorneys for REO's appearing as attorneys of record for the trustees on the bond securitization packages. Glen N. Navis, John Dubois, Alameda County Counsel - Raymond Lara</small>	
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Trustee <input type="checkbox"/> Other	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) See USDOJ Attorney Karen P. Hewitt conviction for public official participation in unlawful taking of money. See attached. Engaging in Monetary Transaction in Property Derived from Specified Unlawful Activities in violation of Title 18, United States Code, Section 1957. Also 11 USC 362 through 1300 et seq and the SEC.		
NATURE OF SUIT (Number up to five (5) boxes starting with the lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11 - Recovery of money/property - § 542 turnover of property <input type="checkbox"/> 12 - Recovery of money/property - § 547 preference <input checked="" type="checkbox"/> 13 - Recovery of money/property - § 548 fraudulent transfer <input type="checkbox"/> 14 - Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input checked="" type="checkbox"/> 21 - Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31 - Approval of sale of property of estate and of a co-owner - § 363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41 - Objection/revocation of discharge - § 727(c), (d), (e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51 - Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66 - Dischargeability - § 523(a)(1), (14), (14A) priority tax claims <input checked="" type="checkbox"/> 62 - Dischargeability - § 523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67 - Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61 - Dischargeability - § 523(a)(5), domestic support <input type="checkbox"/> 68 - Dischargeability - § 523(a)(6), willful and malicious injury <input type="checkbox"/> 63 - Dischargeability - § 523(a)(8), student loan <input type="checkbox"/> 64 - Dischargeability - § 523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65 - Dischargeability - other FRBP 7001(7) – Injunctive Relief <input checked="" type="checkbox"/> 71 - Injunctive relief - imposition of stay <input type="checkbox"/> 72 - Injunctive relief - other FRBP 7001(8) – Subordination of Claim or Interest <input type="checkbox"/> 81 - Subordination of claim or interest FRBP 7001(9) – Declaratory Judgment <input type="checkbox"/> 91 - Declaratory judgment FRBP 7001(10) – Determination of Removed Action <input checked="" type="checkbox"/> 01 - Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§ 78aaa et. seq. <input type="checkbox"/> 02 - Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input checked="" type="checkbox"/> Check if this case involves a substantive issue of state law	<input checked="" type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input checked="" type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$	
Other Relief Sought An accounting of the transfer to the new loan servicer and actual bond securitization trust account on the date of default.		

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ACE Securities Corp/Home Equity Loan Trust/Series 2007- WM1 · 10-K · For 12/31/07 · EX-35

Filed On 3/28/08 7:27am ET · SEC File 333-131727-21 · Accession Number 1056404-8-939

in Show and [Help...](#)
*Wildcards: ? (any letter), * (many). Logic: for Docs: & (and), | (or); for Text: | (anywhere), "(&)" (near).*

<u>As Of</u>	<u>Filer</u>	<u>Filing</u>	<u>As/For/On</u>	<u>Docs:Pgs</u>
3/28/08	ACE Securities Corp/Hom..2007-WM1	10-K	12/31/07	12:45

Annual Report · Form 10-K Filing Table of Contents

<u>Document/Exhibit</u>	<u>Description</u>	<u>Pages</u>	<u>Size</u>
1: <u>10-K</u>	Annual Report	9±	29K
2: <u>EX-31</u>	Certification per Sarbanes-Oxley Act (Section 302)	1	8K
3: <u>EX-33</u>	Report of Compliance with Servicing Criteria for Asset-Backed Securities	9±	46K
4: <u>EX-33</u>	Report of Compliance with Servicing Criteria for Asset-Backed Securities	2±	11K
5: <u>EX-33</u>	Report of Compliance with Servicing Criteria for Asset-Backed Securities	2±	11K
6: <u>EX-33</u>	Report of Compliance with Servicing Criteria for Asset-Backed Securities	2±	9K
7: <u>EX-34</u>	Attestation Report on Assessment of Compliance with Servicing Criteria for Asset-Backed Securities	2±	11K
8: <u>EX-34</u>	Attestation Report on Assessment of Compliance with Servicing Criteria for Asset-Backed Securities	2±	12K
9: <u>EX-34</u>	Attestation Report on Assessment of Compliance with Servicing Criteria for Asset-Backed Securities	2±	12K
10: <u>EX-34</u>	Attestation Report on Assessment of Compliance with Servicing Criteria for Asset-Backed Securities	2±	10K
11: <u>EX-35</u>	Servicer Compliance Statement for Asset-Backed Securities	6±	27K
12: <u>EX-35</u>	Servicer Compliance Statement for Asset-Backed Securities	6±	22K

EX-35 · Servicer Compliance Statement for Asset-Backed Securities

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410 715-2380 Fax

Wells Fargo Bank, N.A.

Ace Securities Corporation

AMACAR GROUP

6525 Morrison Boulevard, Suite 318

Charlotte, NC 28211

RE: Annual Statement as to Compliance

The undersigned, a duly authorized officer of Wells Fargo Bank, National Association ("*Wells Fargo*"), hereby certifies as follows for the calendar year 2007 or applicable portion thereof (the "*Reporting Period*"):

(a) a review of Wells Fargo's activities as Master Servicer and/or Securities Administrator under the servicing agreement(s) listed on Schedule A hereto (the "*Servicing Agreement(s)*") has been made under my supervision; and

(b) to the best of my knowledge, based on such review Wells Fargo has fulfilled all of its obligations under the Servicing Agreement(s) in all material respects throughout the Reporting Period.

February 25, 2008

/s/ Kristen Ann Cronin

Kristen Ann Cronin

Vice President

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Schedule A

List of Servicing Agreement(s) and Series

- 1 Pooling and Servicing Agreement for PHH Alternative Mortgage Trust, Series 2007-3, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 2 Pooling and Servicing Agreement for ACE Securities Corp. Mortgage Loan Trust, Series 2007-D1, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 3 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-SL2, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 4 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-WM2, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 5 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-WM1 Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 6 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-SL1, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 7 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-HE4 Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 8 Pooling and Servicing Agreement for Deutsche Alt-A Securities Mortgage Loan Trust, Series 2007-3, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 9 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2006-SD3, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 10 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2006-ASAP6, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 11 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2006-ASAP3, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable

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- 12 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-HE1 Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
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- 15 Pooling and Servicing Agreement for Deutsche Alt-A Securities Mortgage Loan Trust, Series 2007-4, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 16 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-ASAP1, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 17 Pooling and Servicing Agreement for SunTrust Acquisition Closed-End Seconds Trust, Series 2007-1 Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 18 Pooling and Servicing Agreement for Deutsche Alt-A Securities Mortgage Loan Trust, Series 2007-1, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
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- 20 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-ASAP2, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 21 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-HE5 Asset Backed Pass-Through Securities, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 22 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-HE2 Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 23 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2007-ASL1, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
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- 25 Pooling and Servicing Agreement for Deutsche Alt-A Securities Mortgage Loan Trust, Series 2007-OA5, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
- 26 Pooling and Servicing Agreement for ACE Securities Corp. Home Equity Loan Trust, Series 2006-FM2, Asset Backed Pass-Through Certificates, Wells Fargo Bank, N.A. as Master Servicer and Securities Administrator, as applicable
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-

Dates Referenced Herein and Documents Incorporated By Reference

<u><i>This 10-K Filing</i></u>	<u><i>Date</i></u>	<u><i>Other Filings</i></u>
For The Period Ended	12/31/07	
	2/25/08	
Filed On / Filed As Of	3/28/08	

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B104 (FORM 104) (8/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR		BANKRUPTCY CASE NO. 10-40860-EDJ
DISTRICT IN WHICH CASE IS PENDING Multi-district litigation see 08-13555 ET Seq	DIVISION OFFICE Oakland	NAME OF JUDGE Edward Jellen
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF see attached class actions	DEFENDANT see attached class actions parties to my loan	ADVERSARY PROCEEDING NO. Hearing to determine transfer of
DISTRICT IN WHICH ADVERSARY IS PENDING see attached class actions	DIVISION OFFICE see attached class actions	NAME OF JUDGE Marvin Aspen a/or to be determined
SIGNATURE OF ATTORNEY (OR PLAINTIFF)  (Allegations of ineffective assistance of counsel to shareholders.)		
DATE 4/4/10	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Mary Richards and/or Brian Giorgi medical power of attorney	

INSTRUCTIONS

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A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

United States Bankruptcy Court

NORTHERN DISTRICT OF CALIFORNIA

In re

Bankruptcy Case No. 10-4019-EDJ

ROBERT DANIEL EBERWEIN

Debtor

PROPOSED ORDER OF EX PARTE MOTION NUN PRO TUNC CONVERSION TO CHAPTER ELEVEN AND ORIGINAL DEBTOR BACK ON CASE CAPTION FEE WAIVER APPLICATION

YOU ARE NOTIFIED that Robert Daniel Eberwein was forced into bankruptcy because of the actions of the Predatory Lenders Limited Power of Attorneys giving believe real estate brokers such as Hal Hutchens Affiliated Brokers, California Prudential Realtors, Pite and Duncan are eviction attorneys and bankruptcy attorneys for all parties to the note. They the Shareholders have never signed any sworn declarations just the attorneys stating out of the county. Having Researched the Bond Securitization Package on My Properties and the Properties Managed by 3109 King Street Property Management World Wide I had filed a Chapter Seven, Chapter Eleven, Chapter 13 form with my bankruptcy. Robert Daniel Eberwein has shown to the court that they continue to gain more accounts dealing with same parties now have proof that Glen N. Navis special appearing attorney, can not appear for all parties to the note I therefore apply for conversion to Chapter Eleven which I did not expected honesty from Martha Bronitisky after what she did to Lonnie Ratliff. But I did hope that Mansdorf as Chapter Seven Trustee was required to go after my money and property and insurance proceeds.

That Did not happen.

Therefore the court grants the fee waiver file this notice of conversion and fee waiver application on the rest of the 1000.00 fee or the court take it out of the adversary fees that I paid on 10-4019, 10-4020, 10-4021. Sworn under penalty of perjury executed in Berkeley California under the laws of United States and Foreign Governments that lost their pension funds in the subprime mortgages currently being decided in Lehman Brothers Bankruptcy 08-13555. Wherefore Pray NUN PRO TUNC that the case go forward as Chapter Eleven. And the Creditor Meeting for April 7, 2010 be cancelled

SO Ordered _____ EDWARD JELLEN4/4/10

sNotice on opposing counsel within ten (10) days and file a proof of service with the court.	Room
<hr/> <i>Gloria L. Franklin, Clerk of the Court</i> <hr/> <div style="text-align: right;">By</div> <div style="text-align: center;">: <i>Date</i> <i>Deputy Clerk</i></div>	Date and Time

Counsel for the removing party shall serve a copy of this n

United States Bankruptcy Court

NORTHERN DISTRICT OF CALIFORNIA

In re

Bankruptcy Case No. 10-40860-
EDJ

ROBERT DANIEL EBERWEIN

Debtor

ORIGINAL FILED

APR - 5 2010

BANKRUPTCY COURT
OAKLAND, CALIFORNIA

NOTICE OF EX PARTE MOTION NUN PRO TUNC CONVERSION TO CHAPTER ELEVEN AND ORIGINAL DEBTOR BACK ON CASE CAPTION

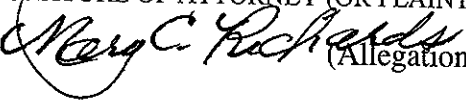
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Robert Daniel Eberwein

 4/4/10

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR		BANKRUPTCY CASE NO. 10-40860-EDJ
DISTRICT IN WHICH CASE IS PENDING Multi-district litigation see 08-13555 ET Seq	DIVISION OFFICE Oakland	NAME OF JUDGE Edward Jellen
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF see attached class actions	DEFENDANT see attached class actions parties to my loan	ADVERSARY PROCEEDING NO. Hearing to determine transfer of
DISTRICT IN WHICH ADVERSARY IS PENDING see attached class actions	DIVISION OFFICE see attached class actions	NAME OF JUDGE Marvin Aspen a/or to be determined
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